IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 585 OF 2006

Durga Vinayak Kanone ... Petitioner

V/s.

The Slum Rehabilitation Authority.. Respondents
and ors.

Mr. Manoj Mhatre i/b. S.K. Pandey for the petitioner.
Mr. G.D. Utangale i/b. M/s. Utangale & Co. for respondent No. 1.
Mr. J.S. Anand for respondent No. 6.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 28th November, 2006

P.C.

. Rule. Heard forthwith.

2. It is the case of the petitioner that the petitioner was not given proper hearing and that the petitioner has documentary evidence to prove that he was there previous to 01.01.1995. Reliance is placed on documentary evidence which, according to the petitioner is before 01.01.1995.

. On behalf of the respondents it is pointed out that in many of the constructions there were mezzanine floor in which some other persons were residing. Such persons were not entitled to protection and only the persons entitled for protection are those who are

residing on the ground floor.

. We do not propose to go into that issue at this stage. The ends of justice will be met, if the order dated 2nd September, 2005 is quashed and set aside and the matter is referred for hearing to Deputy District Officer (Encroachment/Disposal). The petitioner to file application along with any additional documents within four weeks from today. Said officer after hearing the petitioner, society and developer to dispose of the same at any rate not later than 16 weeks from the petitioner filing the application.

3. Rule made absolute accordingly. No order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]